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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 LAVELLE MONTE SMITH,

11 Defendant.
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Case No. 2:11-CR-00363-KJD-GWF

ORDER

13 Before the Court is Defendant Lavelle Monte Smith's ("Smith") Motion for Return of
14 Property (#31). Defendant Smith seeks the return of his cellular phone which, to the best of the
15 Court's knowledge, was seized along with Defendant by the Las Vegas Metropolitan Police
16 Department (LVMPD). (#1, 3:12-13). Further, it appears that the phone was transferred with
17 Defendant to the Spring Mountain hospital (#1, 5:8-11). It remains unclear what entity—if
18 any—currently possesses the phone. This Court's jurisdiction also remains unclear. Accordingly,
19 Defendant's Motion for Return of Property (#31) is **DISMISSED** without prejudice. Defendant may
20 file a Renewed Motion for Return of Property if and when Defendant is able to establish that this
21 Court has jurisdiction over the specific entity which retains the phone.

22 DATED this 9th day of September 2013.
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26 Kent J. Dawson
United States District Judge